



ANKENY CITY COUNCIL

Regular Meeting

Monday, August 21, 2023

5:30 PM

Ankeny Kirkendall Public Library - City Council Chambers

1250 SW District Drive, Ankeny, Iowa

Mark Holm, Mayor

Bobbi Bentz, Mayor Pro-Tem

Council Members: Jeff Perry, Joe Ruddy, Todd Shafer, Kelly Stearns

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Anyone seeking assistance in communicating with the City should contact Relay Iowa at 1-800-735-2942 (TDY), or 1-800-735-2943 (Voice).

ELECTRONIC MEETING INFORMATION

<https://zoom.us/j/97312992966?pwd=OEFocWZGS0NYUmtnVHNxcWZFak9Pd09>

Meeting ID: 973 1299 2966

Passcode: 1234

Dial in: +1 312 626 6799; Meeting ID: 973 1299 2966; Passcode: 1234

PROCEDURAL ACTIONS:

CALL TO ORDER:	Mark Holm, Mayor
ROLL CALL:	Michelle Yuska, City Clerk
PLEDGE OF ALLEGIANCE:	Mark Holm, Mayor

CEREMONY: none

A. PUBLIC FORUM:

1. Special Presentation: DART Commission - Luis Montoya, Chief Planning Officer

B. APPROVAL OF AGENDA:

1. Approval of the August 21, 2023 Agenda

Action# B1-1. Consider motion to approve and accept the August 21, 2023 agenda, with or without amendment.

C. PUBLIC HEARING(S):

1. PH 2023-45 Proposed Fourmile Trunk Sewer Connection District 3

Action# C1-1. Consider motion to close Public Hearing 2023-45.

D. REPORTS OF ADVISORY BOARDS AND COMMISSION: none

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**

- CA - 1** Approval of official council actions of the regular meeting of August 7, 2023, as published, subject to correction, as recommended by the City Clerk.
- CA - 2** Receive and file minutes of the Plan and Zoning Commission meeting of July 18, 2023.
- CA - 3** Receive and file minutes of the Civil Service Commission meeting of July 10, 2023.

- **Licenses and Permits**

- CA - 4** Consider motion to approve the issuance of a fireworks permit within the City of Ankeny to J & M Displays, to be held following the RV TV in The District event, September 4, 2023 at Promenade Park.
- CA - 5** Consider motion to approve the issuance of liquor licenses and/or beer/wine permits in the City of Ankeny.

- **Finance/Budget**

- CA - 6** Consider motion to receive and file Financial Reports for July 2023.
- CA - 7** Consider motion to receive and file Building Permit Report for July 2023.
- CA - 8** Consider motion to receive and file Utility Billing Report for July 2023.
- CA - 9** Consider motion to approve Change Order #2 increasing the contract amount by \$11,500.00 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive.
- CA - 10** Consider motion to approve Change Order #3 increasing the contract amount by \$3,440.00 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 11** Consider motion to approve Change Order #3 decreasing the contract amount by \$3,943.50 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.

- CA - 12** Consider motion to approve Change Order #1 increasing the contract amount by \$6,819.22 to Electric Conduit Construction Company, for construction services on the SE Quadrant Fiber Upgrade, Phase One project.
- CA - 13** Consider motion to approve Change Order #1 increasing the contract amount by \$14,885.00 to TK Concrete, Inc., for construction services on the 2023 PCC Patching Program project.
- CA - 14** Consider motion to approve Payment #2 in the amount of \$528,180.42 to Absolute Concrete Construction, Inc. for construction services on the Oralabor Gateway Trail - SW State Street Underpass and SW Oralabor Road and SW State Street Intersection Improvements project.
- CA - 15** Consider motion to approve Payment #14 in the amount of \$346,030.56 to Absolute Concrete Construction, Inc., for construction services on the NW 36th Street Widening - NW Ash Drive to N Ankeny Boulevard project.
- CA - 16** Consider motion to approve Payment #2 in the amount of \$252,815.66 to All-Star Concrete, LLC, for construction services on the 2023 PCC Reconstruction Program - SE 8th St project.
- CA - 17** Consider motion to approve Payment #2 in the amount of \$822,488.15 to Alliance Construction Group, LLC, for construction services on the SW State Street Reconstruction Project - Southbound Lanes.
- CA - 18** Consider motion to approve Payment #3 in the amount of \$54,769.87 to Alliance Construction Group, LLC, for construction services on the 2023 PCC Reconstruction Program - SE Creekview Drive project.
- CA - 19** Consider motion to approve Payment #5 in the amount of \$4,232.00 to Bolton & Menk, Inc., for engineering services on the NW Prairie Ridge Dr/Ash Drive/9th Street Concept Study project.
- CA - 20** Consider motion to approve Payment #1 in the amount of \$4,428.50 to Bolton & Menk, Inc., for engineering services on the SE Corporate Woods Drive & Crosswinds Drive Traffic Signalization project.
- CA - 21** Consider motion to approve Payment #3 in the amount of \$8,896.50 to Civil Design Advantage, for engineering services on the Otter Creek Trunk Sewer Extension - Phase 4 project.
- CA - 22** Consider motion to approve Payment #5 in the amount of \$770,595.15 to Elder Corporation, for construction services on the NE Delaware Avenue Reconstruction - NE 5th Street to Fourmile Creek project.
- CA - 23** Consider motion to approve Payment #5 in the amount of \$1,252,887.43 to Elder Corporation, for construction services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 24** Consider motion to approve Payment #2 in the amount of \$13,759.58 to Electric Conduit Construction Company, for construction services on the SE Quadrant Fiber Upgrade, Phase One project.
- CA - 25** Consider motion to approve Payment #5 in the amount of \$21,628.00 to Foth Infrastructure and Environment, LLC for engineering services on the NW State Street Extension project.
- CA - 26** Consider motion to approve Payment #16 in the amount of \$2,499.00 to Foth Infrastructure and Environment, LLC for engineering services on the North Four Mile Creek Trunk Sewer project.
- CA - 27** Consider motion to approve Payment #3 in the amount of \$65,722.14 to Granite

Excavating for construction services on the S. Ankeny Blvd Transmission Blvd project.

- CA - 28** Consider motion to approve Payment #8 in the amount of \$950.00 to ISG (I&S Group) for design and construction work on the High Trestle Trail Park Phase 1 project.
- CA - 29** Consider motion to approve Payment #1 in the amount of \$635,203.02 to J&K Contracting, for construction services on the North Four Mile Creek Trunk Sewer project.
- CA - 30** Consider motion to approve Payment #12 in the amount of \$1,083.00 to McClure Engineering Company, for engineering services on the SW State Street Reconstruction - Southbound Lanes project.
- CA - 31** Consider motion to approve Payment #16 in the amount of \$63,642.51 to McClure Engineering Company, for engineering services on the NW 18th Street Reconstruction - NW Ash Dr. to N Ankeny Blvd. project.
- CA - 32** Consider motion to approve Payment #2 in the amount of \$27,345.28 to OMG Midwest DBA Des Moines Asphalt and Paving for construction services on the 2023 Asphalt Street Resurfacing Program - SW Ordinance Road project.
- CA - 33** Consider motion to approve Payment #4 in the amount of \$207,386.43 to On Track Construction, LLC for construction services on the NW Northlawn Area Utility Improvements - Phase 2.
- CA - 34** Consider motion to approve Payment #4 in the amount of \$193,801.90 to TK Concrete, Inc., for construction services on the 2023 PCC Street Patching Program project.
- CA - 35** Consider motion to approve the August 21, 2023 Accounts Payable.

- **Personnel Items**

- CA - 36** Consider motion to accept the Civil Service Commission certified lists for appointment to: Fleet Technician, Division Chief of Community Risk Reduction, and Facilities Maintenance Technician; subject to passing any further departmental requirements.

- **Community Development Items**

- CA - 37** Consider motion to adopt **RESOLUTION** accepting final plat, letter of credit for erosion control, performance and maintenance bonds for underground improvements, platted easements, parkland dedication agreement, and sewer connection fee for Canyon Landing Townhomes Plat 2 Final Plat.
- CA - 38** Consider motion to adopt **RESOLUTION** approving plans and specifications, and accepting contracts, and performance and maintenance bonds for the construction of water main, sanitary sewer, and subgrade in Canyon Landing Townhomes Plat 2 Final Plat.
- CA - 39** Consider motion to adopt **RESOLUTION** accepting a public grading and sidewalk easement associated with the development of Lot 1, Crosswinds Plat 2.
- CA - 40** Consider motion to adopt **RESOLUTION** accepting final plat, warranty deed to streets, subdivision bonds for seeding and erosion control, plans and specifications, contracts, and performance and maintenance bonds for public improvements, and platted easements for Four Mile Distribution Center Plat 2.
- CA - 41** Consider motion to adopt **RESOLUTION** approving plans and specifications, contracts, and performance and maintenance bonds for the construction of street

paving, subgrade, water main, sanitary sewer, and storm sewer in Four Mile Distribution Center Plat 2.

CA - 42 Consider motion to grant preliminary approval of Kimberley Crossing Plat 4 Final Plat.

CA - 43 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC from Low Density Residential to Medium Density Residential (LUPA Area B) (date of hrg: 9/5/23 @ 5:30p.m.)

CA - 44 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone certain property owned by Hope Kimberley, LLC from the current R-1 One Family Residential District to R-3 Multiple-Family Residence District, restricted to 10 units per acre (Rezoning Area A) (date of hrg: 9/5/23 @ 5:30p.m.)

CA - 45 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to amend The Ankeny Plan 2040 Comprehensive Plan, Figure 12.10, Future Land Use Map, reclassifying property owned by Hope Kimberley LLC from High Density Residential to Community Commercial (LUPA Area C) (date of hrg: 9/5/23 @ 5:30p.m.)

CA - 46 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to C-2, General Retail, Highway Oriented and Central Business Commercial District (Rezoning Area F) (date of hrg: 9/5/23 @ 5:30 p.m.)

CA - 47 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to Planned Unit Development, PUD (Rezoning Area B and E) (date of hrg: 9/5/23 @ 5:30p.m.)

CA - 48 Consider motion to adopt **RESOLUTION** providing for the notice and hearing of the City Council of the City of Ankeny, Iowa, to rezone property owned by Hope Kimberley, LLC from R-1 One Family Residential District to R-3, Multiple Family Residence District, Restricted to Single Family (Rezoning Area D) (date of hrg: 9/5/23 @ 5:30p.m.)

- **Engineering Items**

CA - 49 Consider motion to adopt **RESOLUTION** accepting a proposal from Absolute Group in the amount of \$97,767.00 for the construction of the 2023 City-Wide Permanent Surface Restoration project.

CA - 50 Consider motion to adopt a **RESOLUTION** authorizing the execution of an updated Title VI Non-Discrimination Agreement, including Standard DOT Title VI Assurances with appendices, between the Iowa Department of Transportation and the City of Ankeny.

CA - 51 Consider motion to adopt **RESOLUTION** authorizing the Mayor to sign an annexation agreement from Charles Lepak, allowing connection to public sanitary sewer in the City of Ankeny, Iowa.

- **Capital Improvement Projects**

CA - 52 Consider motion to adopt **RESOLUTION** accepting a proposal from Alpha Landscapes, LLC in the amount of \$69,693.00 for the construction of the North Ankeny Boulevard & 18th Street: Landscape Improvements.

- CA - 53** Consider a motion to adopt **RESOLUTION** accepting a proposal from Caliber Concrete LLC in the amount of \$82,437.46 for the Aspen Ridge Trail project.
- CA - 54** **2023 Pedestrian Ramp Improvements Program - Fountain View:** Consider motion to approve: a) Final Change Order #2 decreasing the contract amount by \$1,220.80; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Shekar Engineering, PLC in the amount of \$183,559.81; and d) Final Payment #2 in the amount of \$108,054.20; Retainage Payment in the amount of \$9,177.99.
- CA - 55** **NE Crestmoor Sanitary Sewer Replacement:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$2,793.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvement with Absolute Concrete Construction, Inc. in the amount of \$405,398.00; and d) Final Payment #2 in the amount of \$177,603.45 / Release of Retainage in the amount of \$20,269.90.
- CA - 56** **2023 Pedestrian Ramp Improvements Program - Barclay:** Consider motion to approve: a) Final Change Order #1 increasing the contract amount by \$4,284.00; b) Certificate of Completion; c) **RESOLUTION** accepting the public improvements with Concrete Connection, LLC in the amount of \$184,284.00; and d) Final Payment #2 in the amount of \$96,711.66; Retainage Payment in the amount of \$9,214.20.

- **Administrative Items**

- CA - 57** Consider a motion to enter into an agreement with the Iowa Civil Rights Commission (ICRC) from July 1, 2023 - June 30, 2024 for the reimbursement of city staff time in processing discrimination claims referred to the ICRC.
- CA - 58** Consider motion to approve the Contractor Agreement with Public Consulting Group for Ground Emergency Medical Transportation (GEMT) Provider Cost Reporting.

- **Approval of Consent Agenda Items**

1. Consent Agenda Items CA-1 through CA-58.

Action# E1-1. Consider motion to approve the recommendations for Consent Agenda Items CA-1 through CA-58.

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS: none

G. RECESS - Mark Holm, Mayor

H. LEGISLATIVE BUSINESS:

- **Approval of Ordinances:**

1. Ord 2148 An Ordinance amending Chapter 69 Parking Regulations of the Municipal Code of the City of Ankeny, Iowa, by amending Section 69.04 Angle Parking, Section 69.10 No Parking on North and East Sides of Streets, and Section 69.11 No Parking on Both Sides.

Action# H1-1. Consider motion to accept second consideration of ORDINANCE 2148.

2. Ord 2149 An Ordinance amending Chapter 94.06 of the Municipal Code of the City of Ankeny, Sewer Connection Districts Established. (PH 2023-45)

Action# H2-1. Consider motion to accept first consideration of ORDINANCE 2149.

I. OLD BUSINESS: none

J. NEW BUSINESS: none

K. ADMINISTRATIVE BUSINESS:

- **Report of the City Staff:**

City Manager
City Attorney

- **Report of the Governing Body:**

Mayor

City Council Members:
Council Member Bentz
Council Member Perry
Council Member Ruddy
Council Member Shafer
Council Member Stearns

- **Future Council Agenda Items:**

- ***Public Hearing - 2023 Rally Complex Park Development - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - Amendment to The Ankeny Plan 2040 Comp Plan, Hope Kimberley LLC (LUPA Area B) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - rezone - Hope Kimberley LLC (Area A) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - Amendment to The Ankeny Plan 2040 Comp Plan, Hope Kimberley LLC (LUPA Area C) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - rezone - Hope Kimberley LLC (Area F) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - rezone - Hope Kimberley LLC (Area B & E) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - rezone - Hope Kimberley LLC (Area D) - 9/5/23 @ 5:30 p.m.***
- ***Public Hearing - NW Irvinedale Drive - Elevated Water Storage Tank - 9/18/23 @ 5:30 p.m.***
- ***Regular Council Meeting - 10/2/23 @ 5:30 p.m.***

L. ADJOURNMENT

1. Request for Executive Session under Code Section 21.5.1 (i)

Following adjournment of the Executive Session, Council may take action on any matter discussed during the Executive Session.

Action# L1-1.

Consider motion to go into Executive Session, pursuant to the provisions of Iowa Code Section 21.5, subparagraph (i) "To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session."

2. Adjournment

Council Action Planning Session will commence following adjournment of regular meeting.